

Attorney Docket No.: BCS03214

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: CHEN, ET AL.

ART UNIT: 2623

APPLN. NO.: 10/762,972

EXAMINER: IDOWU, OLUGBENGA O

FILED: JANUARY 22, 2004

TITLE: METHOD AND APPARATUS FOR PROVIDING ACCESS
PROTECTION IN A DIGITAL TELEVISION DISTRIBUTION
SYSTEM

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests review and withdrawal of the outstanding rejection set forth in the Final Office action mailed on July 10, 2008 at least for the reasons presented herein.

Applicant respectfully submits that the Examiner's July 10, 2008 Final Office Action omits one or more essential elements needed for a prima facie rejection as well as contains a clear error because one or more limitations are not met by the cited references. Independent claims 1, 8, 14, and 20 stand rejected under 35 U.S.C. § 103(a) over US 7,092,729 (Fichet) in view of US 2003/0043438 (Farhan).

An embodiment of the claimed subject matter is shown in FIG. 1 and includes a digital television distribution system (100) having a master headend (102) and at least one local headend (104). FIG. 2 illustrates a method (200) of providing access protection in such a digital television distribution system (100). The method (200) includes

defining (204) first authorization data associated with content services, protecting (206) said content services at satellite uplink, protecting (208) content authorization data at satellite uplink, and generating (210) digital transport stream data from said protected content authorization data and said protected authorization data for transmission to each said at least one local headend (104). (See paragraphs [0020] and [0021], and FIGs. 1 and 2 of the Applicant's specification as published)

The Final Office Action omits one or more essential elements needed for a prima facie rejection because the cited references, singly and in combination, fail to show or suggest "a digital television distribution system [having] a master headend and [at least one] local headend" as recited in independent claims 1, 8, 14, and 20." The comments in the Final Office Action clarify that Fichet's "multiplexer 4" and "integrated receiver/decoder 13" are being equated to Applicant's "master headend" and "local headend" respectively. Applicant respectfully disagrees with this interpretation and submits that the Fichet reference is non-analogous art as applied.

Applicant respectfully submits that one of skill in the art would not consider a "multiplexer" to be equivalent to a "headend". Both terms, "headend" and "multiplexer" are common terms in the art and well understood by one of skill in the art. A multiplexer is a merely a circuit level component with a specified and confined function, i.e. to multiplex signal sources. Applicant's disclosure explains that a master headend is a system representing a central station that provides television services to numerous local stations. (for example, see paragraph [0004] of Applicant's specification as published) Clearly, one of skill in the art would not equate a circuit level component such as a multiplexer to a headend as apparently done in the Office action. In short the interpretation in the Office action is both unreasonable and inconsistent with Applicant's specification, and hence improper.

Further, a person of ordinary skill in the art would not equate Applicant's "local headend" to Fichet's "integrated receiver/decoder 13" because Fichet's integrated receiver/decoder 13 is described as being owned or rented by an end user and connected to the end user's television set (see column 5, lines 48-50, Fichet), whereas Applicant's local headend refers to a local station that receives television services from a master headend and further provides television services to a group of subscribers via a cable television network.

It is also clear that Fichet, as applied in the rejection is not analogous art. Fichet merely describes a subscriber (individual user) satellite receiver unit, whereas the present invention deals with communications between multiple headend systems. Clearly, an individual receiver unit does not have the same issues of dealing with massive data and content traffic, i.e. receiving the traffic from satellites and redirecting and repackaging the traffic to authorized subscribers, faced by headend systems. At best, a receiver unit is concerned with its own data traffic, which is often a single data stream as opposed to a massive volume of data streams. Clearly, one of skill in the art would not consider an individual receiver unit to be in the same field of endeavor as Applicants headend system. For the above reasons, Applicant submits that Fichet is a non-analogous art, and hence cannot be used to reject Applicant's claims under 35 U.S.C. § 103.

Fichet does not disclose a master headend nor a local headend, and is non analogous art. Farhan also does not disclose a communications from a master headend to a local headend. Specifically, the Office Action refers to "headend 105 for receiving satellite signals that are demodulated" of Farhan to meet Applicant's claimed feature of "generat[ing] digital transport stream data [from said protected content services and said protected authorization data] for transmission to each said at least one local

headend” as recited in independent claims 1, 8, and 20, and “multiplexing said encrypted content services and said encrypted first authorization data to generate digital transport stream data...modulating a carrier with said digital transport stream data...a local headend for receiving said television signals” as recited in independent claim 14. Farhan, merely describes that a headend receives satellite signals for demodulation, see paragraph [0011]. Farhan also fails to disclose multiple headends, namely a master headend and a local headend, as described in Applicant’s claimed invention.

Accordingly, the combination of Farhan with Fichet, does not meet all of the claimed limitations, and hence does not render the claims unpatentable. Moreover, the addition of Farhan to Fichet cannot cure the deficiency of Fichet as being non-analogous, i.e. it cannot change the field of endeavor of Fichet. Hence, Applicant respectfully submits that the rejection is improper and should be withdrawn.

Conclusion

Reconsideration and withdrawal of the rejection of independent claims 1, 8, 14, and 20 under 35 U.S.C. § 103(a) as being obvious in view of combination of Fichet and Farhan is respectfully requested. Because the independent claim is not properly rejected, the rejection of the dependent claims should also be withdrawn.

Applicant respectfully submits that the application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicants’ representative at the telephone number indicated below.

Please charge any fees associated herewith, including extension of time fees, to
Deposit Account 502117.

Dated: October 10, 2008

Respectfully submitted,

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